

Chevy Chase Village Board of Managers

June 11, 2007

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Absent
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Michael W. Younes, Administrative Assistant	Present

Dr. Douglas B. Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Mr. Winstead and Ms. Eig arrived at 7:32 p.m.

Approval of Minutes from the May 14, 2007 Board Meeting (Regular and Executive Sessions)

Ms. Eig submitted changes to the minutes prior to the meeting.

Ms. Stephens made a motion to approve the amended minutes of the May 14, 2007 Board Meeting (Regular and Executive Sessions). Ms. Feldman seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's report was distributed to the Board prior to the meeting. Discussion followed.

Committee Reports

Building Facilities Commission

Mary Anne Tuohey, Chair of the Building Facilities Commission, stated that she met with Ms. Eig and Mr. Biddle this morning to discuss purchasing new chairs for the Board members. Ms. Tuohey stated that the proposed chair style blends with the style of the Village Hall and is made by the Stickley Company, a famous furniture company based in New York. The chairs would be made of oak with dark green leather for the seat. The sale price per chair is \$870. Mr. Biddle stated that in order to purchase the chair proposed by Ms. Tuohey the Board would have to authorize a supplemental appropriation in the amount of \$2,100.

Ms. Feldman asked if Ms. Tuohey sat in the chairs. Ms. Tuohey stated that she and Ms. Eig sat in the chairs and found them to be very comfortable.

Mr. Winstead asked how this chair compares to the other chairs that the Board has seen in terms of cost. Ms. Tuohey stated that the black leather chair on wheels was \$700 and a brown leather chair without wheels was \$495.

Ms. Eig stated that she sat in the proposed chair and found it to be very comfortable and was in favor of the chair.

Ms. Eig suggested that the Board authorize the purchase of the new Board chairs contingent upon Ms. Feldman's satisfaction of the proposed chair.

Mr. Winstead stated that the style is beautiful but he is concerned with the cost.

Mr. Jones stated that he was concerned with how comfortable the arms would be.

Mr. Winstead, Ms. Eig, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the new Board chairs. Dr. Kamerow and Ms. Feldman voted against the new Board chairs.

The Board unanimously approved a supplemental appropriation of \$2,100 from Reserves to furniture and equipment and to carry forward into FY08 the total amount of \$8,800

Brookville Road Working Group

Dr. Kamerow, Chair of the Brookville Road Working Group, stated that the Working Group met last Monday, to review the 30% drawings received from the Village's engineering firm RK&K.

Dr. Kamerow stated that the leading candidate material for the walkway is called gravelpave. The gravelpave is honeycomb containment and mesh material, which is laid over a permeable base and filled with gravel.

Dr. Kamerow stated that the next steps are that Village staff will revisit abutting property owners to discuss the 30% drawings and then make contact with the Maryland State Highway Administration (SHA) for their preliminary approval.

Ms. Eig asked why there were places where pre-cast and cast in-place curbs are used. Mr. Biddle stated that in certain locations along the corridor cast in place curbs are preferred to direct storm water.

Ms. Eig added that the plans do not show a crosswalk crossing Brookville Road at Western Avenue. Mr. Biddle stated that it was in the District of Columbia and he would contact the District's Department of Transportation.

Ms. Eig asked why at 101 East Melrose Street, a timber wall was specified and not a stacked stone wall, like in the other locations. Mr. Biddle stated that conversations with the residents at

101 East Melrose Street have focused on maintaining what is currently in place but said he would offer the residents a choice between timber and stacked stone.

Mr. Yeo asked what percent of the walkway's width is five (5) feet and if the walkway is at-grade. Dr. Kamerow answered that approximately 80% - 85% is five (5) feet and yes, that the walkway is at-grade with a curb/barrier to keep vehicular and pedestrian traffic separate.

Connecticut Avenue Fundraising Committee

Mr. Biddle stated that the Committee, Lee Jundanian of 15 West Lenox Street, Robert Josephs of 3 Grafton Street and Catherine West of 142 Grafton Street, met last Thursday.

Mr. Biddle stated that the Committee would like to begin its fundraising activities this fall and would like to have approximately six (6) graphics to assist in the fundraising campaign. The Committee has received a proposal from the Village's landscape architect firm, *EDAW*, for a fee of \$1,500 each. Currently, there is \$10,000 allocated for engineering work that is not needed yet.

Ms. Stephens stated that it seems like a lot of money to spend on graphic material. Mr. Biddle stated that the graphics are critical elements demonstrating what contributions would create. Out of a total project cost of \$5 million, the Committee's target for donations \$3.75 million.

The Board unanimously approved the use of \$10,000 currently budgeted for Connecticut Avenue Engineering Studies to be used to create graphics in support of the fundraising activities. The \$10,000 would be reimbursed to the general fund from future funds raised.

Decisions on Previous Appeals

None.

Appeals

A-5250: Mr. and Mrs. Lawrence H. Heilman, 46 Grafton Street—(a) Replace an existing six foot (6') high stockade fence with a six foot (6') high flatboard fence with capboard to be located between the front lot line and the front building restriction line; (b) replace an existing six (6') foot high stockade fence with a six (6') foot high flatboard fence with capboard in the Cedar Parkway public right-of-way. Mr. and Mrs. Heilman were in attendance.

Mr. Heilman preceded any discussion of the appeals with a request that the Board waive the appeal fees totaling \$630.

Dr. Kamerow asked Legal Counsel to explain the appeals. Mr. Podolsky stated that there are two (2) cases. The first is for a variance because the fence is over 48 inches in height between the front building restriction line and the property line and the second is for a special permit because a portion of the fence would be constructed in the Cedar Parkway public right-of-way.

Dr. Kamerow asked if there is additional work needed for these types of appeals. Mr. Podolsky stated that there is some overlap of the two appeals but that the special permit would require

additional work due to the need for executing and recording a right-of-way use agreement. Discussion followed.

Mr. and Mrs. Heilman withdrew Appeals A-5250 (a) and (b).

A-5252: Mr. and Mrs. Justin W. Bausch, 12 East Lenox Street—Replace two (2) external air conditioning units in the east front yard (Brookville Road) of the property. Robert Bausch, Justin Bausch’s father, was in attendance and presented the request on his son’s behalf. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the replacement of two (2) external air conditioning units in the east front yard (Brookville Road) of the property. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. Mr. Bausch asked for the decision to be expedited.

Old Business

Winter and Company Briefing (Video Conference)

Noré Winter joined the Board via video conference from his office in Boulder, Colorado to discuss the preliminary report on potential changes to the residential development standards. A synopsis of the video conference follows:

- The report is based on the comments, concerns and issues raised by Village residents during the open houses and community workshops.
- Many of the issues addressed in the report relate to massing and scale.
- The report outlines possible actions such as refining existing standards like maximum height, lot coverage and setbacks.
- The upcoming Village-wide survey will be based upon the findings described in the preliminary report and will be used as a tool to solicit additional concerns and issues that Village residents may have.

Dr. Kamerow asked about the timing of the survey. Mr. Winter stated that the first draft of the survey would be delivered to the Village office by Friday, June 15.

Ms. Stephens asked why the “pros” and “cons” of design guidelines were not discussed in the preliminary report. Mr. Winter stated that because the historic district currently has design guidelines in place that any additional design guidelines might not be well received.

Ms. Eig stated that in the Street Trees section there is confusion because some of the statements apply to street trees and others apply to private property trees. Ms. Eig added that, in the Building Character Issues section under Current Regulations and Issues, it states that replacement buildings are typically larger than the original especially in the west area of the Village, when in fact it is true throughout the entire Village. Ms. Feldman agreed.

Mr. Jones stated that he had a concern with explaining proposed standards in a survey such as a Floor-Area-Ratio because they are difficult to explain in a survey. Mr. Winter stated that illustrations would be used to supplement any explanations.

Mr. Yeo asked how the survey would be designed to maximize the number of meaningful responses. Mr. Winter stated that a series of questions should be asked at the beginning of the survey to determine what Village residents consider significant issues and whether there are problems with the existing regulations.

Dr. Kamerow directed Mr. Winter to add a question on the survey that specifically asked if the Village should do anything.

Ms. Eig stated that the survey should include a question or questions focused around whether or not residents have been affected by a neighboring building project.

Mr. Yeo asked for clarification on the survey timeframe including the approval process. Dr. Kamerow stated that the survey's first draft would be delivered by Friday, June 15. He added that the Board could hold a Special Board meeting to discuss the draft survey and provide edits before production.

Mr. Yeo stated that the later the survey is sent out, the greater the chance that the survey will yield a low response. Mr. Yeo suggested that the survey be sent out by the end of the first week of July or wait until fall.

The Board agreed to hold a Special Board Meeting to discuss the survey.

Lawrence Heilman of 46 Grafton Street stated that community participation is critical.

Ms. Eig asked for clarification about what was meant by "also allow front porches to extend further into the front yard setback." Mr. Winter stated that comments were made during the open houses and workshops that residents would like to be able to align their front porches with the others on the block even if the porch encroaches into the setbacks. Ms. Eig and Ms. Stephens stated that those issues were resolved by the property's covenants.

Resolution No. 06-01-07: An ordinance to amend Chapter 19 of the Chevy Chase Village Code to provide for an exemption from the requirement that all solicitors and vendors be licensed and to modify the hours during which soliciting and vending may occur within Chevy Chase Village.

Mr. Podolsky outlined the resolution stating that it would eliminate the requirement for groups who disseminate political or religious materials to obtain a solicitors' permit as long as no donations or contributions are solicited and no goods or services are sold. The resolution would also allow soliciting until 9:00 p.m.

Mr. Yeo asked if the new resolution would apply to organizations such as MaryPIRG. Mr. Podolsky stated that if the organization solicits money or contributions it would still be required to get a permit.

Mr. Jones made a motion to approve Resolution No. 06-01-07. Ms. Eig seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

**Banking Business: (pooling existing accounts, activating on-line delivery services)
Resolutions No. 06-02-07: Banking Agreements**

Dr. Kamerow outlined the Banking Agreements, which were deliberated earlier stating that because Chevy Chase Bank is changing its operations, the Village must modify the way it delivers check processing information to the bank. This change is needed to maintain the Village's current level of security. The Banking Agreements will also link the payroll account to an existing sweep account so that when money is not needed in the payroll account it is generating interest. Discussion followed.

Ms. Stephens made a motion to approve Resolution No. 06-02-07. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Discussion – Village Donation Policy

Dr. Kamerow stated that the Village does not currently have a donation policy and listed some possible criteria to consider in developing a donation policy:

1. Material and Direct Benefit
(Will approval lead to benefits being enjoyed by a material number of Village residents?)
2. Permanence
(Will the funding support a capital improvement or provide a resource that will endure?)
3. Primary Funding Not Forthcoming
(Will the donation supplement or supplant authorized monies from the requestor's primary funding source? Also, will the proposed project fail without the requested donation?)
4. Not-for-Profit Entity making the request
(Explicit qualification rather than left as assumption)

Ms. Feldman stated that she felt that the criteria were all appropriate.

Mr. Yeo stated that the factor of permanence would help keep the Village from becoming the "banker" in the community. Mr. Yeo added that he thought it was very difficult to measure the failure of certain projects such as playgrounds and suggested eliminating the failure statement. Dr. Kamerow agreed.

Margaret Cook of 5410 Center Street stated that she felt that a request must come from a resident of the Village. The Board agreed.

The Board agreed to have Counsel draft a Village Donation Policy to be considered at the Board's July 9 meeting.

New Business

Village Hall/Post Office Parking Concerns

Mr. Biddle outlined a proposed solution to address recent resident concerns regarding the parking around the Village Hall and Post Office. The plan would relocate postal employee parking from West Lenox Street to Laurel Parkway in front of the Village Hall during the hours the Post Office is open.

Ms. Eig stated that the relocation of the stop sign at Laurel Parkway and West Kirke Street would cause more of hazard for pedestrians crossing at Laurel Parkway.

Mr. Biddle added that the current locations of the sidewalk and crosswalk in front of the Village Hall located mid-block on Laurel Parkway might benefit from reconfiguring the layout of the little triangle park, to have the sidewalks and crosswalks line up at the north and south ends of the driveway of the Village Hall.

Judy Elliot of 17 West Irving Street asked why no parking would be allowed adjacent to the crosswalk in front of the Village Hall. Chief Gordon stated that the law prohibits parking twenty (20) feet on either side of a crosswalk.

Louis Medeiros of 3 West Lenox Street stated that, in his opinion, the parking around the Post Office has become a life safety issue that needs to be addressed and asked why an ordinance is needed. Dr. Kamerow stated that when new restrictions are imposed a Board resolution is needed.

Mr. Jones made a motion to have Counsel draft an ordinance restricting parking in accordance with the proposed parking plan. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig voted in opposition of the motion. The motion passed.

Environmental Committee

Lawrence Heilman of 46 Grafton Street asked for a status update on creating an Environmental Committee.

Dr. Kamerow stated that the Board would discuss the creation of an Environmental Committee at its July 9 meeting.

Chairman's Report

None.

Manager's Report

FY2007 Budget Reallocation

Mr. Biddle requested the Board authorize the reallocation of approved and budgeted FY 2007 funds in the amount of \$8,000 from Public Works Operations to Village Building Utilities due to the increase in natural gas costs.

The Board unanimously approved the reallocation of \$8,000 from Public Works Operations to Village Building Utilities.

Program Open Space (Wohlfarth Property)

Mr. Biddle stated that he has received word from Program Open Space that the Village will enter fiscal year 2008 with an available balance of \$43,580. Mr. Biddle stated that the money could be used to pay down the remaining commitment to Program Open Space or the money could be used for green space projects in the Village.

Dr. Kamerow asked if there was any chance of the money going away if it is not used. Mr. Biddle stated he would find out if there is a point in time when unused funds would be subject to reallocation by Program Open Space.

Ms. Eig suggested that the funds be used for improvements to the little triangle park across from the Village Hall to further improve and increase parking options and pedestrian safety.

Police Report

The monthly Police Report was distributed to the Board prior to the meeting.

Mr. Winstead made a motion to adjourn the open meeting and meet in Executive Session pursuant to Maryland Code, State Government Article, section 10-508 (A) (1) to discuss a personnel matter and pursuant to Maryland Code, State Government Article, section 10-508 (A) (7) to consult with legal counsel. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. The open meeting adjourned at 9:44 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.